

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON**

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

FEB 05 2010

JAMES R. LARSEN
DEPUTY
SPOKANE, WASHINGTON

RAUL S. ZAVALIA
Petitioner,

vs.

Docket No.: CR-05-0105-LRS

Docket No.: CV-~~06-133~~-LRS

CV 09-0013-LRS

UNITED STATES OF AMERICA
Respondent.

**PETITIONER'S MOTION AND AFFIDAVIT FOR LEAVE TO
PROCEED IN FORMA PAUPERIS PURSUANT TO TITLE 28 U.S.C. 1915**

COMES NOW PETITIONER, Raul Zavala and respectfully moves this Honorable Court for leave to proceed in forma pauperis, in accordance with the provisions of Title 28, United States Code, Section 1915, and the Rules of his Court.

The affidavit of Mr. Zavala in support of this motion is attached hereto. Presented herewith is Petitioner's Motion requesting a Certificate of Appealability in the District Court.

I, Mr. Zavala, being first duly sworn according to law, depose and say that I am the Petitioner in the above-entitled cause, and in support of my application for leave to proceed without being required I prepay costs or fees, state: (A) because of my poverty I am unable to pay the cost of the cause; (B) I am unable to give security for the same; (C) I believe that I am entitled to the redress I seek in the cause; (D) this review is sought in good faith; (E) the nature of the cause is stated as a an appeal of the District Court's denial of Petitioner's Motion for Recusal. (F) the petition raises

substantial questions of constitutional law, as set forth more fully in my motion filed herewith.

I further swear that the responses which I have made to the questions and instructions below relating to my ability to pay the costs of prosecuting the appeal are true.

1) I am presently unemployed.

2) I have not received within the last 12 months any income from a business, profession of other form of self-employment, in the form of rent payments, interest, dividend, or other source.

3) I do not own cash or a checking or savings account.

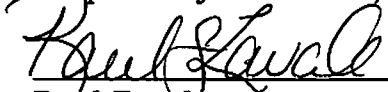
4) I do not own any real estate, stocks, bonds, notes, automobiles, or other valuable property.

5) I have no persons dependent on me for support.

6) I have read the foregoing and state that it is true and correct.

Done this 28th day of January, 2010

Respectfully submitted,



Raul Zavala

Reg. # 11174-085

USP Atwater

P.O. Box 017001

Atwater, CA 9530

CERTIFICATE OF SERVICE

I HEREBY DO CERTIFY that a true and correct copy of this pleading was mailed to: Aine Ahmed, U S Attorney's Office – SPO 920 W Riverside, Suite 300, P O Box 1494, Spokane, WA 99210-149, by placing the same in the Federal Prison Legal Mail Box with sufficient First Class Postage.

Done this 28th, day of Janury 2010

I hereby do certify that pursuant to Penalty of Perjury Title 28 U.S.C. § 1746 that on this 28th day of Janury 2010 I signed and mailed this document via the Federal Bureau of Prisons' Legal Mail System.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Raul Zavala", written over a horizontal line.

Raul Zavala
Reg. # 11174-085
USP Atwater
P.O. Box 017001
Atwater, CA 95301